

1 defendant's motion (#42), and defendant has replied (#45).

2 To the extent defendant's motion may be construed as seeking
3 an order from this court directing his federal sentence to run
4 concurrent to his state sentence, the motion is **DENIED** for the same
5 reasons set forth in the court's order dated September 17, 2012.

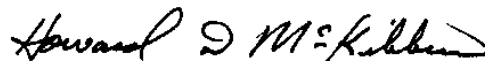
6 To the extent defendant seeks a *nunc pro tunc* designation of
7 the state prison where he is currently serving a state sentence as
8 the facility for service of his sentence in this case, the motion
9 is also **DENIED** as defendant must first present such a request to
10 the Bureau of Prisons.²

11 Finally, to the extent defendant seeks credit for time served
12 in state prison toward his federal sentence, the motion is also
13 **DENIED**. *Clark v. Floyd*, 80 F.3d 371, 372, 374 (9th Cir. 1995),
14 cited by defendant, does not support any such relief in this case.

15 In accordance with the foregoing, defendant's motion (#40 and
16 #41) is **DENIED**.

17 **IT IS SO ORDERED.**

18 DATED: This 21st day of February, 2013.

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20 UNITED STATES DISTRICT JUDGE
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25 ² Although defendant appears to believe he must secure a recommendation
26 from this court before presenting his request to the Bureau of Prisons
27 ("BOP"), Program Statement § 5160.05 indicates that when BOP receives a *nunc*
28 *pro tunc* designation request from an inmate, the BOP will contact the court
to ask if it has any objections to such a designation. BOP Program Statement
§ 5160.05(9)(b)(4)(c); see also *Reynolds v. Thomas*, 603 F.3d 1144, 1150 (9th
Cir. 2010).